



# Punjab Government Gazette EXTRAORDINARY

*Published by Authority*

---

---

CHANDIGARH, WEDNESDAY, OCTOBER 26, 2022 (KARTIKA 4, 1944 SAKA)

---

---

## GOVERNMENT OF PUNJAB

### DEPARTMENT OF WATER RESOURCES

#### (IRRIGATION WORKS BRANCH)

#### NOTIFICATION

The 26th October, 2022

**No.WR-IRWR014/4/2022-IW2/447541/2022-** Vide Notification No.10/11/2012 IW(2)88/1, dated 23.1.2020 issued by the Government of Punjab, Department of Water Resources, the rates were revised for use of canal/river water by Industry, Power plant and Bulk Users of different categories. The aforesaid notification was issued in exercising of powers conferred by Section 75 read with section 36 of the Northern India Canal and Drainage Act 1873 and in supersession of earlier notification issued vide No. 10/11/12-IW(2)/3895, dated 6th Nov. 2012.

2. The said notification had been subject matter of litigation in various writ petitions, including CWP No. 7803 of 2020 titled as Sushil Kumar Vs. State of Punjab and others. While handing down judgment dated 2.9.2022 in the aforesaid writ petition along with connected writ petitions, the Hon'ble Punjab and Haryana High Court quashed the said notification dated 23.1.2020 with the following liberty given to the respondents:-

"However, liberty is reserved to the respondents, to through entering into a fresh contract(s) with the industrial units concerned, make covenants therein, qua increase of the apposite levels concerned".

3. Upon perusal of judgement of Hon'ble Punjab and Haryana High Court, it has come forth that the main reasons for quashing the notification dated 23.1.2020 are that the section 36 of the Northern India Canal and Drainage Act 1873 relates to levy canal water users charges in respect of the lands, which are in the cultivating occupancy of the farmers concerned and does not relate to levy user charges of canal water by industrial units. Similarly, section 75 of the said Act has been found to be irrelevant for the given purpose. Owing to these reasons, the said notification dated 23.1.2020 has been quashed by

(1940)

the Hon'ble Punjab and Haryana High Court.

4. Keeping in view the liberty given by the Hon'ble Punjab and Haryana High Court in its judgement dated 2.9.2022 passed in CWP No. 7803 of 2020 titled as Sushil Kumar Vs. State of Punjab and others and other connected writ petitions, the matter for fixation of charges for the use of Canal water for various purposes other than irrigation purpose has been considered afresh in the light of existing provisions as contained in the Northern India Canal and Drainage Rules, 1878. Rule 11 of the Rules ibid reads as under:-

"The Divisional Canal Officer, with the previous sanction of the Superintending Canal Officer, is empowered to make contracts for the supply of Canal-water for purposes other than irrigation not specified in the schedule of rates, for any term not exceeding one year. For terms exceeding one year the previous sanction of the State Government shall be necessary"

5. A bare perusal of the aforesaid statutory provisions makes it clear that the designated Canal Officers are empowered to make contracts for the supply of Canal-water for the purposes other than irrigation. Henceforth for execution of fresh contracts for the purpose of supply of canal/river water to forts or other military buildings, cantonments, Civil station, cities, towns, railways, public garden or other places of public resort, industrial, Power Plant and Bulk Users, Beverages and bottled water industry, Drinking water supply (including Railways and Army), Fish Pond and Brick making and water construction work or any other Non-Irrigation use either by filling of tanks or by direct flow, the Governor of Punjab is pleased to accord its approval for fixation of the following rates/charges:-

- |  |                               |
|--|-------------------------------|
| i) Industry, Power plant and Bulk User                                   | Rs. 1000 per 100 cubic meter. |
| ii) Beverage and bottled water Industry<br>(including Railways and Army) | Rs. 2000 per 100 cubic meter. |
| iii) Fish Pond   | Rs. 100 per 100 cubic meter.  |
| iv) Drinking water   | Rs. 25 per 100 cubic meter.   |
| v) Brick making and water for<br>Construction work.                      | Rs. 1500 per 100 cubic meter. |

4. The aforesaid canal water user charges shall be applicable from the date of publication of this notification in the official gazette of Punjab Government.

**(KRISHAN KUMAR)**

Chandigarh

The 21st October, 2022

2686/10-2022/Pb. Govt. Press, S.A.S. Nagar

Principal Secretary to Government of Punjab,  
Department of Water Resources, Mines and Geology